

STATE OF CALIFORNIA
FISH AND GAME COMMISSION
FINAL STATEMENT OF REASONS FOR REGULATORY ACTION

Amend Subsection (b)(156) of Section 7.50,
Title 14, California Code of Regulations
Re: Angling Regulations in the Sacramento River

- I. Date of Initial Statement of Reasons: March 15, 2004
- II. Date of Pre-adoption Statement of Reasons: May 20, 2004
- III. Date of Final Statement of Reasons: June 28, 2004

IV. Dates and Locations of Scheduled Hearings:

- (a) Notice Hearing: Date: March 4, 2004
Location: Redding
- (c) Adoption Hearing: Date: June 25, 2004
Location: Crescent City

V. Update:

No modifications were made to the originally proposed language of the Initial Statement of Reasons.

The Commission unanimously adopted the proposed regulation.

VI. Summary of Primary Considerations Raised in Support of or Opposition to the Proposed Actions and Reasons for Rejecting those Considerations:

- 1. **Mike Lucia, Mayor, City of Dunsmuir, Resolution by the City Council; Roy Miller, Roy Powell, S. A. Paine, Kevin Wren, and three illegible signatures, all same form letter, April 24, 2004; Charles Price, letter 4/6/04; Tom Turney, 4/24/04, letter; David Ryland, 5/14/04, letter; Jon Wacker, 5/18/04, letter; Curtis Knight, California Trout, June 22, 2004, letter; David Edmondson, June 22, 2004, e-mail; Tom Weseloh, California Trout, 6/25/04, oral testimony.**

Supported the recommendation to provide catch-and-release trout fishing during November through April in the Upper Sacramento River.

Department Analysis/Recommendation: Support is acknowledged.

- 2. **Gerald Aldrich, letter received 4/28/04; Joseph Kimsey, letter 3/24/04; Robert Grace, 6/8/04, letter; William Berry, 5/16/04, letter.**

All opposed to allowing fishing during November through April in the upper Sacramento River. Mr. Kimsey believes the fish need a rest from angling activity

during the winter months. Mr. Aldrich is opposed to catch-and-release only. He believes fishing should be open to all types of gear. Mr. Grace is opposed to any change in current regulations. Mr. Berry is opposed because he doubts the ability to adequately monitor and enforce the winter fishery.

Department Analysis/Recommendation: Do not accept. Catch-and-release only fishing is recommended during November 16 through the Friday preceding the last Saturday in April to allow additional angling opportunities while limiting harvest mortality. Data indicate that the trout population in this reach of the Upper Sacramento River is robust and can easily support a winter no-harvest fishery without adverse impact. Most of this 32-mile section of river contains wild trout populations and current regulations prohibit the use of bait or barbed hooks in all but 6 miles. Trout harvest is permitted during the regular trout season in a 6-mile section where hatchery trout are stocked. The 32-mile section of the Sacramento River offers ample fishing opportunities for various types of gear.

VII. Location and Index of Rulemaking File:

A rulemaking file with attached index is maintained at:
California Fish and Game Commission
1416 Ninth Street
Sacramento, California 95814

VIII. Location of Department files:

Department of Fish and Game
1416 Ninth Street
Sacramento, California 95814

IX. Description of Reasonable Alternatives to Regulatory Action:

- (a) Alternatives to Regulation Change: None were identified.
- (b) No Change Alternative: If the proposed changes are not adopted anglers will be prevented from enjoying fishing opportunities. Based on our evaluation and assuming the proposed fishery is catch-and-release (0-limit) and requires barbless, artificial lures, there is no biological justification for the existing seasonal closure.
- (c) Consideration of Alternatives: In view of information currently available, there is no reasonable alternative that would be more effective in carrying out the purposes for which the regulation change is intended.

X. Impact of Regulatory Action:

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States: The proposed action will not have a significant statewide adverse economic impact affecting businesses, including the ability of California businesses to compete with businesses in other states. The proposed change is expected to improve angler opportunity and provide some economic benefit to the local area.
- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: The proposed change may prevent some seasonal job-loss in the local area and could create some new jobs.
- (c) Cost Impacts on a Representative Private Person or Business: The Department is not aware of any cost impacts that a representative private person would necessarily incur in compliance with the proposed action.
- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: A slight increase in warden patrol effort will be required but there will be no increased cost to the Department.
- (e) Other Nondiscretionary Costs/Savings to Local Agencies: None.
- (f) Programs Mandated on Local Agencies or School Districts: None.
- (g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4: None.
- (h) Effect on Housing Costs: None.

Updated Informative Digest/Policy Statement Overview

Current regulations for the upper Sacramento River in the reach between Box Canyon Dam to Lake Shasta allow angling only during the general trout season from the last Saturday in April through November 15.

The City of Dunsmuir has proposed opening the upper Sacramento River to zero-limit, catch-and-release angling during the normal closure period, November 16 through the Friday preceding the last Saturday in April.

The Department supports the proposal by the City of Dunsmuir and recommends changing current regulations to allow angling in the Upper Sacramento River from November 16 through the Friday preceding the last Saturday in April, with a zero bag limit and the use of artificial lures and barbless hooks only.

The Department has reviewed existing data, and considered potential angler use, catch-rates and possible impacts to the wild trout population. It was determined that under the proposed zero-limit, artificial lure regulation, there would be no significant or measurable impacts to the wild trout population of the upper Sacramento River.